

transported from the State of North Carolina into the State of Maryland, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Paramount Brand Good Cotton Seed Meal Ashcraft-Wilkinson Co. Atlanta, Ga. Guaranteed Analysis Protein (minimum) 36.00% Ammonia (minimum) 7.00% Crude Fibre (maximum) 14.00%."

Adulteration of the article was alleged in the libel for the reason that a substance deficient in protein (ammonia) and containing excessive fiber had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength and had been substituted wholly and in part for the said article.

Misbranding was alleged for the reason that the statements "Good Cotton Seed Meal Guaranteed Analysis Protein (minimum) 36.00% Ammonia (minimum) 7.00% Crude Fibre (maximum) 14.00%," borne on the labels, were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was offered for sale under the distinctive name of another article.

On April 22, 1925, the Ashcraft-Wilkinson Co., Atlanta, Ga., having appeared as claimant for the property, judgment of condemnation was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,000, in conformity with section 10 of the act, conditioned in part that it not be sold or disposed of until properly labeled and until passed by a representative of this department.

C. F. MARVIN, *Acting Secretary of Agriculture.*

**13772. Adulteration and misbranding of butter. U. S. v. 71 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 20383. I. S. No. 7056-x. S. No. E-5472.)**

On August 19, 1925, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 71 tubs of butter, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by the Northern Cold Storage & Warehouse Co., from Duluth, Minn., August 10, 1925, and transported from the State of Minnesota into the State of New York, and charging adulteration and misbranding in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that a substance deficient in butterfat had been mixed and packed therewith so as to reduce, lower, or injuriously affect its quality and strength, and had been substituted in part for the said article.

Misbranding was alleged for the reason that the article was offered for sale under the distinctive name of another article.

On September 2, 1925, Charles P. McCabe & Son, claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,500, in conformity with section 10 of the act, conditioned in part that it be reworked so as to contain at least 80 per cent of butterfat.

C. F. MARVIN, *Acting Secretary of Agriculture.*

**13773. Adulteration and misbranding of butter. U. S. v. 9 Boxes, et al., of Butter. Decrees of condemnation entered. Product released under bond. (F. & D. Nos. 20174, 20175, 20203, 20237. I. S. Nos. 24253-v, 24260-v, 24350-v, 5101-x. S. Nos. E-5361, E-5362, E-5365, E-5412.)**

On June 24 and 29 and July 3, 1925, respectively, the United States attorney for the District of Maryland, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 25 boxes of butter, remaining in the original unbroken packages at Baltimore, Md., consigned on various dates, namely, June 9, 18, and 28, 1925, respectively, alleging that the article had been shipped by the Fred C. Mansfield Co., in various consignments, from Chicago, Ill., and London and Princeton, Wis., respectively, and transported from the States of Illinois and Wisconsin, respectively, into the State of Maryland, and charging adulteration and misbranding with respect to a portion of the product and misbranding with respect to the remainder, in violation of the

food and drugs act as amended. A portion of the article was labeled in part: "Edel's Fine Butter \* \* \* One Pound Net \* \* \* 'Not Merely Good, But the Finest Obtainable.'" The remainder of the said article was labeled in part: "1 Lb. Net Weight."

Adulteration was alleged with respect to 19 boxes of the product for the reason that a substance low in butterfat had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength and had been substituted wholly or in part for butter, a product which should contain not less than 80 per cent by weight of milk fat, as prescribed by the act of March 4, 1923.

Misbranding was alleged for the reason that the statements "Edel's Fine Butter \* \* \* One Pound Net \* \* \* 'Not Merely Good, But the Finest Obtainable,'" with respect to 19 boxes of the product, and the statement "1 Lb. Net Weight," with respect to the remainder thereof, were false and misleading and deceived and misled the purchaser. Misbranding was alleged with respect to the said 19 boxes of the product for the further reason that it was offered for sale under the distinctive name of another article. Misbranding was alleged with respect to all the said product for the reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On July 3, 1925, the Fred C. Mansfield Co., Johnson Creek, Wis., having appeared as claimant for the property, judgment of condemnation was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of bonds in the aggregate sum of \$800, in conformity with section 10 of the act, conditioned in part that it not be sold or disposed of until properly labeled and inspected by a representative of this department.

C. F. MARVIN, *Acting Secretary of Agriculture.*

**13774. Adulteration and misbranding of canned oysters. U. S. v. 50 Cases of Canned Oysters. Product released to claimant. (F. & D. No. 17338. I. S. No. 4497-v. S. No. C-3924.)**

On March 9, 1923, the United States attorney for the Western District of Kentucky, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 50 cases of canned oysters, remaining in the original packages at Louisville, Ky., consigned by the H. G. Leiding Co., Charleston, S. C., December 22, 1922, alleging that the article had been shipped in interstate commerce from Charleston, S. C., into the State of Kentucky, and charging adulteration and misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Can) "Crystal Bay Oysters Contains 5 Oz. Oyster Meat. H. G. Leiding Co. Sole Agents, Charleston, S. C."

Adulteration of the article was alleged in the libel for the reason that excessive brine had been mixed and packed with and substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the statement "Contains 5 Oz. Oyster Meat," borne on the labels, was false and misleading and deceived and misled the purchaser, and for the further reason that it was [food] in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On September 30, 1924, the Shelmore Oyster Products Co., claimant, having admitted the allegations of the libel and agreed to pay the costs of the proceedings, and having relabeled the product in a manner satisfactory to this department, an order of the court was entered, providing for the release of the said product to the claimant.

C. F. MARVIN, *Acting Secretary of Agriculture.*

**13775. Misbranding of butter. U. S. v. 4 Cases of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 20401. I. S. No. 118-x. S. No. W-1767.)**

On or about August 19, 1925, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 4 cases, each containing 60 pounds, of butter, remaining in the original unbroken packages at Seattle, Wash., delivered for shipment by Armour & Co., Seattle, Wash., August 17, 1925, alleging that the article had been prepared for shipment from the State of Washington into the